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Notice of Allowability

Application No.

10/807,817

Examiner

Steven J. Ganey

Applicant(s)

MACDONALD, ET AL.

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed December 1, 2005.
2. ☒ The allowed claim(s) is/are 1-15, 18-32, 34-47, 50-63, 67, 68 and 75.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Frank Occhiuti on January 23, 2006.

2. The application has been amended as follows:

In the claims:

Claim 1, line 4, the word "attached" has been changed to --attachable--.

Claim 12, line 4, the word "attached" has been changed to --attachable--.

Claim 34, line, line 4, the phrase --attachable to the fire protection sprinkler head--, has been inserted after the word "conduit".

Claim 34, line 6, the word "each" has been changed to --the--.

Claim 34, line 15, the word "leg" has been changed to --plate--.

Claim 44, line 4, the word "attached" has been changed to --attachable--.

Claim 50, line 14, the phrase "a gap separating the first and second portions," has been deleted.

Claim 50, line 16, the phrase "the support rail" has been changed to --a support rail of the T-bar grid--.

Claim 59, line 2, the phrase "the leg" has been changed to --a leg--.

The above changes were done to clearly define the invention and correct antecedent basis issues.

Claims 66 and 69-74 have been canceled in their entirety.

3. The following is an examiner's statement of reasons for allowance of claims 1-15, 67 and 68: The prior art did not teach or suggest a fire-protection sprinkler support system as claimed by the applicant, specifically a support system comprising a hub for supporting and connecting a fire protection sprinkler head, a leg attached to the hub, the leg comprising an end, a fastening device attached to the end of the leg, the fastening device for removably attaching the leg to a T-bar grid of a suspended ceiling, the fastening device comprising a first portion having a generally vertically extending sidewall with a lower end for engaging one side of the T-bar grid, a second portion spaced by a gap from the first portion to allow the T-bar grid to be positioned within the gap, the second portion having a generally vertically extending sidewall with a lower end for engaging an opposite side of the T-bar grid, an upper attachment portion operatively connecting the first portion to the second portion and the first and second portions positioned relative to each other in order to secure the leg to the T-bar grid, together in combination with the other claimed features of applicant's invention and in view of applicant's convincing arguments concerning Hubbard.

4. The following is an examiner's statement of reasons for allowance of claims 18-32: The prior art did not teach or suggest a method of removably attaching a fire-protection sprinkler support system to a T-bar grid of a suspended ceiling as claimed by the applicant, specifically a method comprising the steps of providing a hub for supporting and connecting a fire protection sprinkler head, attaching a leg attached to the hub, providing a fastening device attached to the

leg, the fastening device comprising a first portion having a generally vertically extending sidewall with a lower end for engaging one side of the T-bar grid, a second portion spaced by a gap from the first portion to allow the T-bar grid to be positioned within the gap, the second portion having a generally vertically extending sidewall with a lower end for engaging an opposite side of the T-bar grid, an upper attachment portion operatively connecting the first portion to the second portion and attaching the fastening device to the T-bar grid, together in combination with the other claimed features of applicant's invention and in view of applicant's convincing arguments concerning Hubbard.

5. The following is an examiner's statement of reasons for allowance of claims 34-47: The prior art did not teach or suggest a fire-protection sprinkler support system as claimed by the applicant, specifically a support system comprising a plate and sleeve defining an opening extending through the plate, the sleeve configured to receive the fire protection sprinkler head, a fastening device attached to the plate configured to removably attach the plate to a T-bar grid of a suspended ceiling, the fastening device comprising a first portion having a generally vertically extending sidewall with a lower end for engaging one side of the T-bar grid, a second portion spaced by a gap from the first portion, the second portion having a generally vertically extending sidewall with a lower end for engaging an opposite side of the T-bar grid, an upper attachment portion operatively connecting the first portion to the second portion and the first and second portions configured to move relative to each other to secure the plate to the T-bar grid, together in combination with the other claimed features of applicant's invention.

6. The following is an examiner's statement of reasons for allowance of claims 50-63 and 75: The prior art did not teach or suggest a method of removably attaching a fire-protection

sprinkler support system to a T-bar grid of a suspended ceiling as claimed by the applicant, specifically a method comprising the steps of providing a plate and sleeve defining an opening extending through the plate for supporting a fire protection sprinkler head, providing a fastening device attached to the plate configured to removably attach the plate to a T-bar grid of a suspended ceiling, the fastening device comprising a first portion having a generally vertically extending sidewall with a lower end for engaging one side of the T-bar grid, a second portion spaced by a gap from the first portion, the second portion having a generally vertically extending sidewall with a lower end for engaging an opposite side of the T-bar grid, an upper attachment portion operatively connecting the first portion to the second portion, the first portion being adapted to relative to the second portion to vary the gap, the gap configured to receive at least a portion of a support rail of the T-bar grid, and attaching the fastening device to the T-bar grid of the suspended ceiling, together in combination with the other claimed features of applicant's invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven J. Ganey whose telephone number is (571) 272-4899. The examiner can normally be reached on Monday, Tuesday, Wednesday, and Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel, can be reached on (571) 272-4919. The fax phone number for this Group is (571) 273-8300.

sjg

1/23/06


STEVEN J. GANEY
PRIMARY EXAMINER
1/23/06